

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**ROBERT TIMOTHY BLAKE,**  
# 46959-380

**Movant,**

**vs.**

**UNITED STATES OF AMERICA,**

**Respondent.**

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**SA-18-CV-994-XR  
SA-15-CR-066-XR-1**

**ORDER**

Movant Robert Timothy Blake (“Blake”) has filed a Motion for Reconsideration of this Court’s Order (ECF No. 114) denying his Motion Requesting Documents (ECF No. 107). (ECF No. 115). Upon consideration, Blake’s motion is **DENIED**. (ECF No. 115).

Blake previously requested the following: Search Warrant; Probable Cause Affidavit; Inventory of Search Warrant; and “any other documents related to the Search Warrant.” (ECF No. 107). Blake maintained these documents were material to his Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. § 2255 (“Section 2255 Motion”) because the Government cited to the Search Warrant Affidavit in its response and further, provided “alleged evidence/information to the Court at sentencing” which Blake was disputing. (*Id.*). In his Motion for Reconsideration, Blake specifies he is seeking the Probable Cause Affidavit used to obtain the Search Warrant in his case; citing to page 36 of the Sentencing Transcript, Blake states the Government referred to this affidavit when providing the Court with evidence/information during sentencing. (ECF No. 115).

The relevant portion of the Sentencing Transcript provides the following:

THE COURT: Anything from the government?

MS. THOMPSON: Yes, Your Honor. Mr. Blake just read a statement that makes it sound like he is the victim. Here is what he says. He is sorry for whatever caused these images to come on to his computer. He caused these images to come on to his computer.

He is actively trading with other people and using e-mails in other fictitious names, so that nobody would know that was him, to trade with other people. He is asking: Trade with me here. Hard-core, please send more. Everyone send pictures to me now. I repay with the same.

And what he is wanting, *based on the information in the search warrant affidavit*, is, I want nude, rare, hard to find. More please. One of a kind. Who has one of a kind stuff?

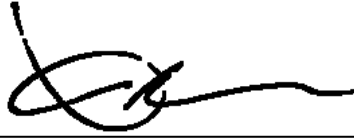
That is how those images came on to his computer. He begged other people for those images. Not only did he beg other people for those images, he is not only normalizing that behavior, he is encouraging other people to sexually assault children so he can get an image or a video that is one of a kind, that nobody else has.

(ECF No. 73 at 36) (emphasis added).

Blake argues the emails in question did not contain any information about children, the abuse of children, or child pornography and therefore, his attorney should have objected to the Government's statements. (ECF No. 103 at 19). He seeks a copy of the Probable Cause Affidavit used to obtain the Search Warrant to prove the Government's statement was false and support his claim in his Section 2255 Motion that his attorney rendered ineffective assistance of counsel in failing to object.

Notwithstanding Blake's contentions, the Presentence Investigation Report reflects that several fictitious email accounts belonging to Blake were used to solicit and trade child pornography. (ECF No. 59 at 4-5). Further, Blake stipulated to these facts as part of the factual basis for his plea. (ECF No. 41 at 3). Accordingly, Blake's motion for reconsideration is **DENIED**. (ECF No. 115).

SIGNED this 11th day of December, 2019.

A handwritten signature in black ink, consisting of a large, stylized 'X' followed by a series of loops and a long horizontal stroke.

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XAVIER RODRIGUEZ  
UNITED STATES DISTRICT JUDGE